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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,276	12/15/2003	Andre Graffin	0513-1088	1509

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,276

Applicant(s)

GRAFFIN, ANDRE

Examiner

Gloria R. Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it includes the terms "means" and "said". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for stopping tightening of a screw cap, does not reasonably provide enablement for means for stopping tightening. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Claim 1 lines 9-10 include the limitation of a means for stopping tightening, which is not adequately disclosed in the specification. Page 10 line 27-page 11 line 19 appears to be directed toward controlling tightening, but does not specifically identify what elements equate to the means for stopping tightening when the force applied in reaction exceeds a predetermined threshold.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the phrase "i.e." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. Claims 1-10 have been examined in view of 35 USC 112 6th paragraph, regarding Applicant's claim of a "means for stopping tightening", "means for detecting the position of the spindle", "means for stopping tightening", "means for resiliently returning". Applicant's claim of "means to detect a force" in claim 1 lines 7-8, and "additional guide means" in claim 6 line 4

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are not written in proper means-plus-function language” as required by 35 U.S.C. 112, sixth paragraph.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Trebbi et al. (USPN 6,158,196).

Regarding claims 1-3 and 6-8, Trebbi et al. discloses a screw-cap tightener apparatus comprising: a turntable (1); a spindle (3) mounted on the turntable (109), to rotate relative thereto, and to move between a tightening and untightening position, via guide element (8, 108); a screw cap gripper head (47) secured to the spindle (3); drive means (76) to rotate the spindle (3) by exerting an off-center drive force on the spindle (3); the apparatus further comprising inductive means (84) engaging a portion of the spindle (3) that is stationary in rotation to detect a force applied in reaction to the drive force; means (90) for stopping tightening (column 7 line 66-column 8 lines 16), the means (90) being connected to the detecting means (84) to stop tightening when the force applied in reaction; means (42) for resiliently returning the spindle (3) towards the tightening position, the resilient means (42) interposed between the turntable (109) and the guide element (8, 108); the apparatus including additional guide means arranged to provide accurate guidance in sliding over a fraction of tightening, and allowing movement corresponding to the lateral clearance at the end of tightening, the additional guide means

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comprising a first element (18) secured to the spindle (3) and a second element (11) secured to the turntable.

11. Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Grove et al. (USPN 6,105,343).

In reference to claims 1, 9 and 10, Grove et al. discloses a screw-cap tightener apparatus comprising: a turntable (20); a spindle (22) mounted on the turntable (20) to rotate relative thereto (column 3 lines 61-64); a screw cap gripper head (16) secured to the spindle (22); drive means (23, 24) to rotate the spindle (22) by exerting an off-center drive force on the spindle (22); the apparatus further a strain gauge (52) engaging a portion of the spindle (22) that is stationary in rotation to detect a force applied in reaction to the drive force; and means (56, 70) for stopping tightening (column 5 lines 46-58), the means (56, 70) being connected to the strain gauge (52) to stop tightening when the force applied in reaction exceeds a predetermined threshold.

Allowable Subject Matter

12. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious a screw cap tightener apparatus comprising a spindle mounted to a turntable via a guide element, a resilient return means, wherein the return means includes an arm having one end hinged to the turntable and an opposite end close to a position detector means, and a spring

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interposed between the turntable and the arm to maintain an intermediate portion of the arm bearing against a guide element.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


grw

June 21, 2005


SCOTT A. SMITH
PRIMARY EXAMINER

Gloria R Weeks
Examiner
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